

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>CHRISTOPHER SMITH and</b>	)	
<b>NICOLE SMITH, et al.,</b>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>Case No. CIV-23-053-RAW-GLJ</b>
	)	
<b>OAK CREEK HOMES, LLC, et al.,</b>	)	
	)	
Defendants.	)	

**CORRECTED ORDER**

Before the court is Defendants’ Request for Clarification and, in the Alternative, Objection and Response to Report and Recommendations of Magistrate Judge [Docket No. 89]. Plaintiffs have not filed a response.

Defendants’ position appears to not be so much a substantive one, but rather a question regarding the continued vitality of the pending Motion to Compel Arbitration [Docket No. 57]. Once the newest Amended Complaint is filed by Plaintiffs (which should be done on or before February 7, 2024), Defendants may renew their respective motions to compel arbitration. To the extent Defendants’ present filing would be construed as an objection to the Report and Recommendation of the Magistrate Judge [Docket No. 88], it is overruled and the Report and Recommendation of the Magistrate Judge is hereby **AFFIRMED** and **ADOPTED**.

Accordingly, Plaintiff’s Motion for Leave to Amend Complaint and Add Defendants [Docket No. 77] is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff is granted leave

to amend the complaint to add causes of actions for RICO violations, negligence, and negligence per se. Plaintiff is not allowed to amend the complaint to add American Homestar of Lancaster, LLC and Western Insurance Agency, Inc. as defendants. Further, Defendants' Motion to Compel Arbitration and Brief in Support [Docket No. 57] and Motion for Leave to File Supplemental Brief in Response to Defendants' Motion to Compel Arbitration [Docket No. 78] are denied as MOOT.

**IT IS SO ORDERED** this 29<sup>th</sup> day of JANUARY, 2024.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**